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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 1924 of 2007

Petitioners

1. Asim Kumar Datta, S/o late Anil Kumar Datta, aged about 66 years, Retired Govt. Employee, R/o H. No. 12, Shailendra Nagar, Ameri, Tahsil Takhatpur, District – Bilaspur (C.G.).
2. Ashish K Datta, S/o late Shri Anil Kumar Datta, aged about 54 years, Occupation – Senior Clerk, Regiional Hospital, SECL, R/o Charcha Colliery, Baikunthpur, District Korea (C.G.)
3. Smt. Chhinder Kour Grewal, W/o late J. S. Grewal, aged about 58 years, R/o H.No.7, Shailndra Nagar, Amri, Tashil Takhatpur and District Bilaspur (C.G.).
4. Mahendra Pandey, aged about 46 years, S/o Shri T.P.Pandey, occupation Government Servant Head Constable Posted at Shivri Narayan, District Raipur (C.G.)
5. Smt. Madhur Veena Baxla, W/o Niman Baxala, aged about 41 years, R/o H.No.1, Shailndra Nagar, Ameri Tashil Takhatpur Distt. Bilaspur (C.G.)
6. Joldan Kujur, S/o Rafail Kujur, aged about 42 years, occupation Assistant Teacher, Govt. Midle School, Chichirda, R/o H.No. 26, Shailendra Nagar, Ameri, Bilaspur, Tashil & Distt. Bilaspur (C.G.).
7. Samsun Nand, S/o late K.M. Nand, aged about 41 years, Occupation – Senior Operation (Elctrical) NTPC, Jamnipali, Korba, R/o Q.No. A-1517, Kaveri Vihar, Jamnipali, NTPC, Korba (C.G.)

Versus

Respondents

1. State of Chhattisgarh, through Secretary, Department of Revenue, DKS Bhawan, Mantralaya, Raipur (C.G.).
2. The Avasheen Grih Nirman Sahkari Samiti Maryadit (A Samiti registered under Registration No. UPB/70/92, Amri, Tahsil Takhatpur, District Bilaspur (C.G.) through its

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Chairman Shri Ayoub Robert Brown, S/o late W.J.Brown, aged about 52 year, R/o Mangala, Bilaspur, Tahsil and District Bilaspur (C.G.).

3. Samual James, S/o not known, agd about 56 years, occupation-Director, Avashen Grih Nirman Samiti, Jarhabhata, Mandir Chowk, Bilaspur, Tahsil and District Bilaspur (C.G.).
4. The then M.P. Rajya Sahkari Avas Sangh Maryadit, Bhopal (M.P.), Now C.G. Rajya Sahkari Avas Sangh Maryadit, Raipur (C.G.) Through its Chairman.
5. Dena Bank, through Chief Manager/Authorized Officer, Regional Office, Raipur (C.G.).
6. Cent Bank Home Finance Limited through Branch Manager, Surya Bhawan, Main Road, Juna, Bilaspur, Tahsil & District Bilaspur (C.G.)

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Smt. Hamida Siddque, Advocate for the petitioners.

Shri Utkarsh Verma, Deputy Government Advocate for the respondent No.1.

ORDER

(Passed on this 2nd day of April, 2007)

1. The respondent No.2 society, namely Avashen Grih Nirman Sahkari Samiti Maryadit (for short 'the Society') is registered under the provisions of Chhattisgarh Cooperative Societies Act, 1960 (for short 'the Act, 1960'). The main dispute, raised in this petition, is that the Society has obtained loan from the respondent No.4, mortgaging the entire property, without consent of the petitioners, who are member of the society. The Society has also obtained loan, allegedly from the respondents No. 5 and 6. The petitioners have never applied for any loan and have paid the installments with their own arrangements.

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2. Be that as it may, it involves disputed questions of facts, which can be resolved by the Registrar, Cooperative Societies, in exercise of its powers under Section 64 of the Act, 1960. Learned counsel appearing for the petitioners submits that despite representations made to the Registrar, Cooperative Societies, no action has been taken so far.

3. In view of the nature of the case and the disputed facts involved, and for proper adjudication of the case, it would be just and proper to direct the Registrar, Cooperative Societies, to resolve the dispute involved herein this petition, in exercise of his powers under Section 64 of the Act, 1960. The petitioners are at liberty to make an application within a period of 15 days from today to the Registrar, Cooperative Societies, raising all their grievances, for adjudication, in accordance with law, with an application for stay of the recovery against the petitioners.

4. In view of the foregoing, this petition is disposed of. However, no coercive steps be taken by the respondents against the petitioners, for 15 days from the date of this order.

Sd/-
Satish K.Agnihotri
Judge

Thakur